

EXHIBIT A

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

WILDEARTH GUARDIANS and MONTANA ENVIRONMENTAL INFORMATION CENTER,)
Plaintiffs,) CV 17-80-SPW-TJC
v.)
DEBRA HAALAND, Secretary of the Interior, *et al.*) **Second Declaration
of Logan Sholar**
Federal Defendants,)
and)
SPRING CREEK COAL, LLC, *et al.*,)
Defendant-Intervenors.)

SECOND DECLARATION OF LOGAN SHOLAR

I, Logan Sholar, in accordance with the requirements of 28 U.S.C. § 1746, declare:

1. I am currently employed by the United States Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE) as a Natural Resource Specialist. I have been employed with OSMRE in this capacity since May 2016.

2. In my capacity as a Natural Resource Specialist, I am the project lead for OSMRE's effort to prepare an Environmental Impact Statement associated with the mining plan modification for the Spring Creek Mine. I was also the project lead on the OSMRE Spring Creek Lease-By-Application 1 (LBA1) supplemental environmental assessment (EA) completed in October 2016 and the OSMRE Spring Creek Technical Revision (TR1) EA completed in September 2020. As such, I am familiar with the Spring Creek Mine, including the estimated recoverable tons and rate of mining.

3. In July 2021, in the course of preparing the Environmental Impact Statement, the operator of Spring Creek Mine sent me a document indicating that there are approximately 51.5 million tons of recoverable Federal coal in the four lease tracts known as LBA1 (Federal coal lease MTM-94378) at the Spring Creek Mine.

4. At the time the environmental assessment was prepared by OSMRE for the LBA1 tracts in 2016, Spring Creek Mine expected to produce 18 million tons annually across all tracts. AR16973.

5. If the remaining 51.5 million tons in the LBA1 tracts were to be mined at a rate of 18 million tons per year starting from July 2021, it would take approximately three years to complete mining the LBA1 tracts (until approximately the middle of June 2024).

6. However, in research conducted in preparation for the Environmental Impact Statement, we pulled information about the Spring Creek Mine's actual rate of production from the U.S. Energy Information Administration (EIA). EIA, Coal Browser Data (2016-2019), available at
https://www.eia.gov/coal/data/browser/#/shipments/mine/2401457?freq=A&start=2008&end=2018&ctype=map<ype=pin&map=COAL.SHIPMENT_QTY.2401457-113-TOT.A&columnchart=COAL.SHIPMENT_QTY.2401457-113-TOT.A&linechart=COAL.SHIPMENT_QTY.2401457-113-TOT.A&maptype=0&pin= (last accessed Sept. 2, 2021). This information shows that for the years 2016-2019, the average annual production for the Spring Creek Mine was just over 12.1 million tons.

7. If the remaining 51.5 million tons in the LBA1 tracts were to be mined at a rate of 12.1 million tons per year starting from July 2021, it would take

approximately four and a quarter years to complete mining the LBA1 tracts (until approximately middle of October 2025).

8. Regardless of whether the recovery rate is 12.1 million tons per year, 18 million tons per year, or somewhere in between, mining in the LBA1 tracts is likely to extend well beyond the approximate timeframes calculated in paragraph 5 and 7 above because those calculations assume all coal mined at the Spring Creek Mine within that time period is from the LBA1 tracts. However, the Spring Creek Mine actually mines the LBA1 tracts concurrently with other Federal and private coal tracts. The annual recovery rate is based on the cumulative tonnage extracted at the Spring Creek Mine, both from LBA1 tracts and other coal tracts within the mine. Therefore, extraction of coal at the LBA1 tracts is likely to extend beyond even the November 2025 time frame. This projected timeline corresponds with the life-of-mine mining sequence plan presented in the Spring Creek permit approved by the Montana Department of Environmental Quality.

Executed on this 2nd September, 2021.

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